## IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1880.—Ordered to be printed.

Mr. Burnside, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 147.]

The Committee on Military Affairs, to whom was referred the bill (S. 147) to authorize the President to restore Bernard Reilly, jr., to his former rank in the Army, have duly considered the same, and beg leave to submit the following report:

Your committee find that said Reilly was mustered into the service as a private in Company H, Twenty-fifth Pennsylvania Volunteers, on the 18th of April, 1861. He was mustered in as second lieutenant, Seventh Pennsylvania Cavalry, November 18, 1861, and promoted to the rank of first lieutenant July 1, 1863. He served in Kentucky, Tennessee, and Alabama, to December, 1862, and was then on duty as topographical engineer, First Division Cavalry Corps and First Brigade Second Cavalry Division, Department of the Cumberland, until he was wounded at the battle of Chickamauga, Ga., September 21, 1863. He was absent on sick leave to January, 1864, and resigned April 21, 1864. He was appointed in the Regular Army on the 4th of May, 1868, as second lieutenant in the Fifth Cavalry; served in Wyoming, Nebraska, Arizona, and California until May 30, 1877, having had two leaves of absence in the mean time. On September 3, 1877, he was arraigned before a court-martial on certain charges and specifications, and was sentenced to be dismissed the service. This sentence was commuted by the President "to suspension from rank, command, and all pay and allowances, except \$75 monthly, for the period of one year." On the 4th of June, 1878, he tendered his resignation, which was accepted.

Your committee see no reason for recommending his reinstatement in the Army, as he voluntarily resigned; and it would be an exceedingly bad precedent to establish to authorize the reinstatement of officers under such circumstances.

The committee, therefore, report the bill back to the Senate adversely, ask to be discharged from its further consideration, and recommend that it be indefinitely postponed.